
KING COUNTY
OFFICE OF CITIZEN COMPLAINTS

TRIENNIAL REPORT

January – April 2007

Presented to the
Metropolitan King County Council

May 15, 2007

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INTRODUCTION

The Office of Citizen Complaints – Ombudsman is required to report to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period per KCC 2.52.150. This report summarizes Office activities for January 1 through April 30, 2007.

During the report period, the Office of Citizen Complaints received 837 inquiries. The majority of contacts to the Office were handled by providing information and assistance. The Office initiated 23 complaint investigations, and completed 26 investigations.

BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

INQUIRY CLASSIFICATION

The Office of Citizen Complaints classifies citizen inquiries into three categories:

Information: Request for information or advice which may result in referral.

Assistance: Complaint resolved through staff-level inquiry and facilitation.

Investigation:¹ Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations involve independent factual research, including witness interviews, evidence collection and review, analysis of applicable laws, policies/procedures, standards, etc.

Investigations seek to determine if the complaint is supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes, or for legislative change. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

Complainants, respondents, directors of administrative agencies, and other parties of record are provided with the results of our findings.

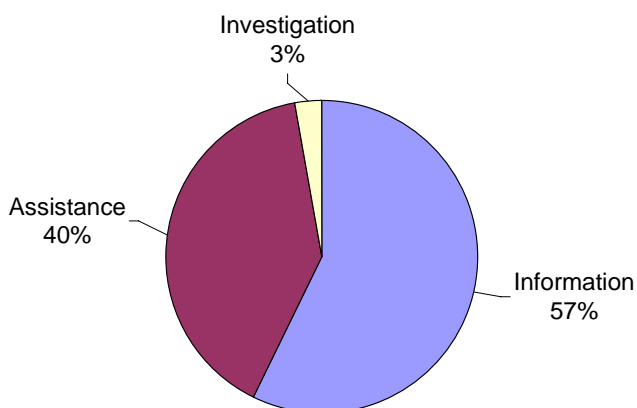
¹ Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
January – April 2007

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	75	115	10	200
Assessor	4	3	0	7
Boards and Commissions	1	0	0	1
Community and Human Services	24	6	0	30
Development and Environmental Services	10	29	2	41
District Court	2	0	0	2
Executive	0	1	0	1
Executive Services	30	17	2	49
Judicial Administration	2	1	0	3
Metropolitan King County Council	21	13	0	34
Natural Resources and Parks	8	9	0	17
Prosecuting Attorney's Office	6	1	0	7
Public Health	29	105	3	137
Sheriff's Office	24	12	5	41
Superior Court	10	3	0	13
Transportation	15	13	1	29
Non-jurisdictional ²	218	7	0	225
Total	479	335	23	837

Chart A
Disposition of Total Inquiries Received
January – April 2007



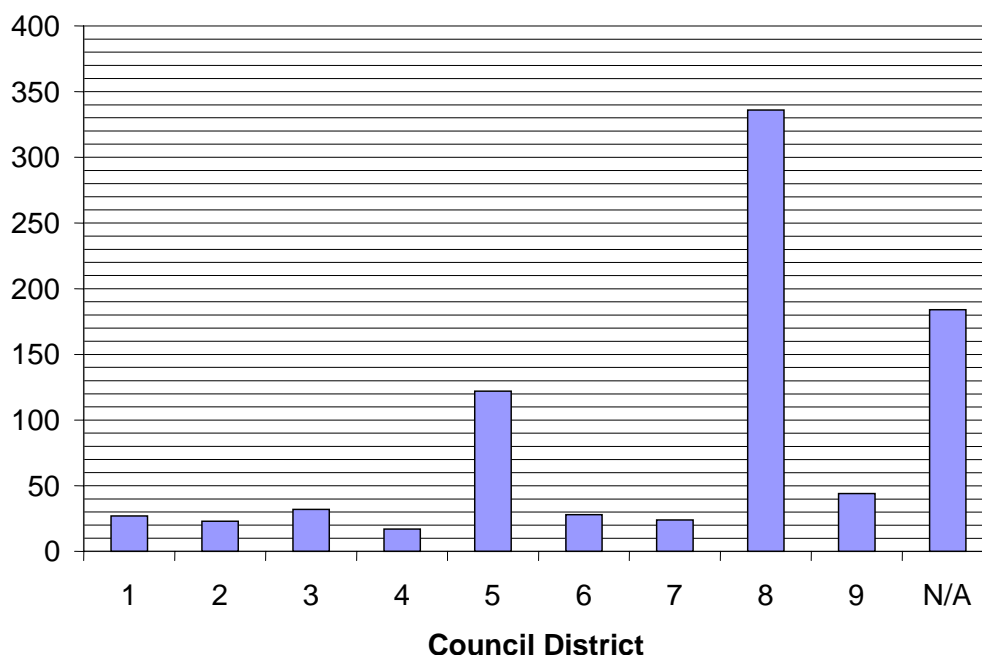
² The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

Table B
Inquiries by Council District
January – April 2007

District	Councilmember	Inquiries
1	Bob Ferguson	27
2	Larry Gossett	23
3	Kathy Lambert	32
4	Larry Phillips	17
5 ³	Julia Patterson	122
6	Jane Hague	28
7	Pete von Reichbauer	24
8 ⁴	Dow Constantine	336
9	Reagan Dunn	44
N/A	Unavailable	184
Total		837

Chart B
Inquiries by Council District
January – April 2007



³ Inquiries for this district may be higher due to the number of calls from the Kent Jail facility.

⁴ Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

COMPLETED INVESTIGATIONS⁵

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Alleges harassment by corrections officer. Inmate concerned officer is forcing inmate into psychotic action.	Resolved by Psychiatric staff who moved inmate to another housing area. Psychiatric staff reported inmate's concerns to IIU, but IIU had no record of following-up. Ombudsman staff was unable to locate complainant for additional information. Concern regarding lack of IIU action was brought to the attention of the DAJD Director and IIU Captain.
Complainant alleges that corrections officer unfairly infracted another inmate; denied television and telephone access to unit and refused requests from twelve inmates for grievance forms.	Unsupported. Transmitted complaint to DAJD Director, interviewed staff, complainant, and complainant's witnesses. Reviewed department response, IIU investigation, and department policy and procedures. There was insufficient evidence to support allegation that corrections officer denied inmates' request for grievance forms. However, staff were reminded to provide grievance forms upon request. Inmates admitted being disruptive and not compliant with orders from staff. We concluded that staff had followed appropriate procedures relative to the inmates' loss of privileges.
Complainant alleges DAJD officer drove jail bus into wall at RJC during transport to Seattle facility. Damage to bus caused it to smoke. Complainant and other inmates riding in rear section of bus inhaled smoke for over a half hour causing continuing health problems.	Discontinued. Interviewed complainant, witnesses, and DAJD staff. Reviewed DAJD policies and procedures, file records, and King County code. Complainant filed a Claim for Damages against King County. Investigative file closed pursuant to KCC 4.12.060 (Risk Management).
Complainant alleges experiencing harassment, and retaliatory and contemptuous treatment by Corrections Officers. Denied access to adequate nutrition, legal material and Westlaw privileges.	Unsupported. Interviewed complainant, complainant's witnesses, DAJD, and JHS staff. Transmitted complaint to DAJD Director. Reviewed inmate's medical records. Jail records and inmate's own statement indicate that inmate was hoarding food contrary to rules. This resulted in frequent cell searches by jail staff for contraband material. Statements from complainant's witnesses did not support allegations. Inmate was not pro se and was advised that Westlaw privileges are subject to availability and encouraged to contact legal counsel.

⁵ Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

Synopsis	Disposition
Complainant alleges Jail Librarian is denying adequate legal materials.	Discontinued. Complainant filed a Claim for Damages against King County. Investigative file closed pursuant to KCC 4.12.060 (Risk Management).
Alleges corrections officers are unlawfully reading privileged legal materials, and withholding access to regular programs. Alleges harassment and retaliation by corrections staff.	Discontinued. Complainant filed Claim for Damages against King County. Investigative file closed pursuant to KCC 4.12.060 (Risk Management).
Complainant alleges being threatened by Corrections Officers while incarcerated.	Unsupported. Interviewed staff at DAJD. Transmitted complaint to DAJD Director. Reviewed department booking notes, inmate's medical records, Office of Risk Management claim, and IIU investigative file. Statements from complainant's witnesses did not support allegation.
Alleges officers used force in booking area and re-injured leg wound causing inmate to be transported to Harborview.	Unsupported. Interviewed DAJD and JHS staff. Reviewed: jail booking notes; state law regarding use of force; inmate's JHS and Harborview medical records. Evidence indicated that inmate was uncooperative and combative, and that DAJD's use of force was appropriate and within policy.
Inmate worker alleges contracting MRSA while housed in general population and inadequate medical attention. Complainant also expressed concern about other inmates' exposure to MRSA.	Discontinued. Complainant signed release of information for medical records. Reviewed medical records. Complainant filed claim for damages. Investigation was closed pursuant to Risk Management Ordinance (KCC 2.14.060).
Complainant alleges inappropriate comments from Corrections Officers, and no response to grievance.	Unsupported. Witness statements suggest inappropriate actions by officer, however specifics were not provided. In addition, one officer named was not employed by DAJD; and other officer named was not working on the day of the incident. Complainant was advised that the allegations were unsupported. Records show timely response to grievance.
Complainant alleges being unfairly infracted for making threats and mail harassment, and given 10 days in disciplinary deadlock.	Unsupported. Interviewed DAJD staff. Reviewed DAJD records, policy and procedures, booking notes, and appeal forms documenting incident. Complainant was advised that records show that procedures were followed and appropriate action was taken.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Allegation of misconduct by DDES employee; and improper DDES activity during course of neighbor's road maintenance.	Resolved. DDES employee will receive communication skills training. Terms of the road maintenance permit were not violated.
Alleges having spent \$54,000 on permitting costs, only to be told were in a red concurrency zone, and that any development was prohibited.	Resolved. Claimed DDES said in 2004 that traffic concurrency certificate not necessary. Relying on this, complainant spent \$50,000 pursuing permits. DDES then reversed positions, effectively killing the project. Conducted preliminary investigation, reviewing documents and interviewing witnesses and staff. Preliminary results were presented to DDES. DDES agreed complainant had been given erroneous information and decided to honor its original approval. Complainant can now continue the application process.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
Alleges Employee Assistance Coordinator's challenge of frequency of visits to mental health provider was inappropriate.	Unsupported. Based upon review of Employee Assistance Certification Commission standards; Employee Assistance Professionals Association Standards and Professional Guidelines; Washington State Department of Health Quality Assurance Complaint and Disciplinary Process; RCW 18.130.180 Unprofessional Conduct; and interviews with Employee Assistance Coordinators. Determined that Coordinator's challenge of frequency of visits was justified and appropriate.
Complainant alleges that Animal Control is refusing to enforce the code and is not returning telephone calls.	Unsupported. Evidence shows that Animal Control investigated complaint; statements were taken; warnings issued; and licenses were issued. A follow-up visit confirmed that the dogs were properly confined and the situation would continue to be monitored to ensure future compliance.

PUBLIC HEALTH

Synopsis	Disposition
Inmate alleges refusal of medical treatment for shoulder injury sustained when fingerprints were forcibly obtained by KCSO staff.	Unsupported. Obtained and reviewed inmate medical records. Medical records show that inmate was seen several times following fingerprint incident. Separate ombudsman investigation of KCSO actions during fingerprint incident determined that minimum amount of force used to obtain fingerprints was appropriate and not excessive.
Complainant alleges being given incorrect medications by health staff and not receiving a response to a grievance filed.	Unsupported. Interviewed complainant and DPH staff. Reviewed documentation provided by complainant and the department. Obtained and reviewed medical records. Transmitted complaint to DPH Director and reviewed response. Available evidence did not support allegation.
Complainant alleges receiving inadequate medical care while in jail.	Discontinued. Complainant filed a Claim for Damages with Risk Management. Pursuant to KCC4.12.060(B)(4) our Office discontinued its investigation.
JHS staff dosed incorrect amount of insulin resulting in insulin overdose.	Discontinued. Complainant did not respond to repeated attempts by this Office to obtain medical records in order to pursue investigation.
Complainant alleges being harassed by JHS nurse.	Unsupported. Interviewed complainant and staff; attempted unsuccessfully to contact witnesses. Conducted factual background research, reviewed medical records released by inmate; reviewed response received to allegations transmitted to DPH director. Available evidence did not support allegation
Medical record of another inmate was released in response to Ombudsman request.	Supported. After Ombudsman brought matter to Department's attention, an internal investigation was conducted and Department concluded that another client's lab report was inadvertently filed in the wrong patient's medical chart and disclosed among documents sent to Ombudsman Office. It is the Department's policy not to tolerate even unintentional disclosure of protected health information. Accordingly, Public Health has taken appropriate action with staff involved. The Department further anticipates that with the implementation of the Jail Health Electronic Health Record, errors will be minimized.

SHERIFF'S OFFICE

Synopsis	Disposition
Excessive force	Unsupported, but recommended "use of force" policy modifications. Reviewed complete, unredacted KCSO Use of Force Incident Review file. Interviewed complainant, IIU personnel, and one accused deputy. Transmitted interrogatories to KCSO and considered KCSO responses. Conducted extensive legal research and analysis. Consulted with national leaders in law enforcement oversight. Transmitted draft final report to Sheriff containing: (1) statements of relevant facts and applicable laws and policies; (2) analysis and finding that contrary to KCSO's assessment, deputies used deadly force when they kicked and punched the complainant in the head while lawfully arresting him, but finding that deadly force was not excessive under the law; and (3) recommendation that KCSO adopt and apply previously identified use of force best practices and policies. In response, Sheriff committed to review of contemporary literature and training on use of force, including deadly force, and to engaging outside experts in evaluating KCSO training concerning use of force to the head. Transmitted final report, containing Ombudsman recommendations and Sheriff's response, to complainant, Sheriff, and four County Councilmembers.
Complainant alleges being attacked, beaten and falsely arrested by KC Sheriff's Officers.	Discontinued. Interviewed complainant, witnesses provided by complainant (2 of 8 witnesses responded) as well as Jail Health Services and KCSO staff; sent medical records release request; reviewed medical records and relevant KCSO policies and procedures. Reviewed KCSO records from IIU; and interviewed complainant's attorney. Complainant then filed a Claim for Damages against King County. Investigation file was closed pursuant to KCC 4.12.060 (Risk Management)

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Whistleblower retaliation for reporting improper governmental action.	Retaliation complaint was transmitted to DOT Director pursuant to KCC 3.42.060(B).

TAX ADVISOR STATISTICS

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

CONTACT CLASSIFICATION

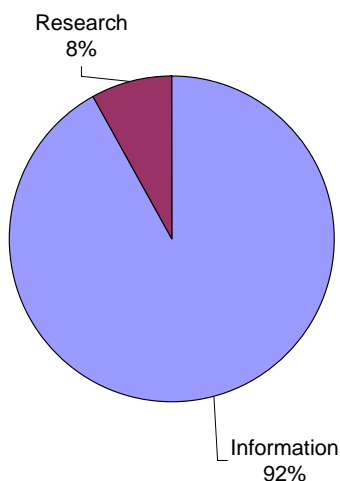
The Tax Advisor Office classifies taxpayer contacts into two categories:

- Information: Request for information, advice, or assistance which may result in database inquiry and/or referral.
- Research: Sales survey, and/or inquiry and attempted resolution of taxpayer concerns related to assessments, taxes (payments, billings, and levies), property records, exemptions, and applicable tax codes.

Table C
Total Tax Advisor Contacts
January – April 2007

	Information	Research	Total
January	235	1	236
February	639	79	718
March	441	43	484
April	719	52	771
Total	2034	175	2209

Chart C
Total Tax Advisor Contacts
January – April 2007



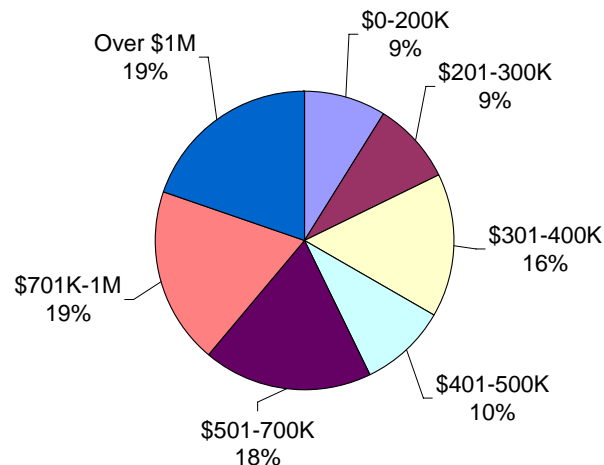
SALES SURVEYS

Residential sales surveys are provided to taxpayers who may wish to appeal their assessed values to the local or state boards. The Office uses the Assessor's CompSales program and other resources to identify sales of similar properties that closed during the lien period in question. Search criteria can be refined and may include such characteristics as lot size, views, and waterfront for land values, and grade, condition and total living area for improvement values. A sales report can be generated which provides sales information for similar, comparable properties including each property's characteristics as measured by the Assessor at the time of sale. This information is useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal.

Table D
Sales Surveys – Assessed Property Value
January – April 2007

Assessed Property Value	Sales Surveys
\$0-200K	13
\$201-300K	13
\$301-400K	23
\$401-500K	14
\$501-700K	27
\$701K-1M	28
Over \$1M	29
Total	147

Chart D
Sales Surveys – Assessed Property Value
January – April 2007



TAX ADVISOR STATISTICS

Table E
Tax Advisor Inquiries by Council District
January – April 2007

District	Councilmember	Inquiries
1	Bob Ferguson	239
2	Larry Gossett	228
3	Kathy Lambert	169
4	Larry Phillips	187
5	Julia Patterson	166
6	Jane Hague	167
7	Pete von Reichbauer	145
8	Dow Constantine	248
9	Reagan Dunn	275
N/A	Unavailable	385
Total		2209

Table E
Inquiries by Council District
January – April 2007

